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PATENT APPLICATION

Docket No. 13914.579.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of

Scott R. Watterson et al.

Serial No.: 09/641,600

) Art Unit

) 3764

Filed: August 18, 2000

Conf. No.: 6657

For: COMPUTER SYSTEMS AND METHODS FOR  
INTERACTION WITH EXERCISE DEVICE

Examiner: Glenn E. Richman

Customer No.: 022913

**APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705.**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant received a Notice of Allowance on June 2, 2004, with a reply date of September 2, 2004. Accompanying the Notice of Allowance was form PTOL-85 Determination of Patent Term Adjustment under 35 U.S.C. 154(b) which indicated that the Patent Term Adjustment to date was 694 day(s). Pursuant to 37 C.F.R. § 1.705, applicant through this Application for Patent Term Adjustment respectfully requests "reconsideration of the patent term adjustment indicated in the notice of allowance" pursuant to § 1.705(b) in view of the following.

09/03/2004 WASFAW2 00000021 09641600

03 FC:1455

200.00 OP

On December 6, 2000 Applicant filed, in accordance with the provisions of 37 C.F.R. 1.10, a response to the Notice to File Missing Part of Non-provisional Application mailed October 6, 2000, as evidenced by a copy of the Certificate of Mailing By “Express Mail” and a copy of the Express Mail label attached as Exhibits A and B respectfully. The date of December 6, 2000 was the due date for responding to the Notice to File Missing Part of Non-provisional Application.

In reviewing the Transaction History and Patent Term Adjustment History accessed at the Patent Application Information Retrieval (PAIR) website, copies of which are attached hereto as Exhibits C and D, the date granted for the “Application being Complete” was January 17, 2001 rather than the date of December 6, 2000 when the Response to the Notice to File Missing Part of Non-provisional Application was filed. Due to the discrepancy between these two dates, i.e., December 6, 2000 and January 17, 2001, the adjustment received under 1.702 (a)(1) was reduced by eleven (11) days because the January 17, 2001 date is eleven days past the three month date allowed under 37 C.F.R. § 1.704(b) for responding to “any notice or action by the Office making any rejection, objection, argument, or other request.” *Id.* at 37 C.F.R. § 1.704(b).

To comply with the requirements of 37 C.F.R. § 1.705(b), included herewith is the fee set forth in § 1.18(e) and a table in Exhibit E, attached hereto, having the relevant dates, credits, and sections of the Code of Federal Regulations used to calculate the requested adjustment. Also to comply with 37 C.F.R. § 1.705(b), Applicant specifies that (i) this pending application is not the subject matter of a terminal disclaimer and (ii) Applicant submitted a number of information disclosure statements under 37 C.F.R. §§ 1.97 and 1.98, the dates when such information disclosure statements were filed are listed in Exhibit F.

In the event that any impediment remains to a prompt allowance of this application that may be clarified through a telephone interview, the Office is requested to contact the undersigned attorney.

Dated this 1 day of September, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Fraser D. Roy', with a stylized flourish at the end.

FRASER D. ROY  
Registration No. 45,666  
Attorney for Applicant  
Customer No. 022913

FDR:kc  
FDR0000000557V001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Watterson et al.	} Art Unit 3764
Serial No.:	09/641,600	
Filed:	August 18, 2000	
For:	COMPUTER SYSTEMS AND METHODS FOR INTERACTION WITH EXERCISE DEVICE	

Express Mail Label No. EL 661 549 225 US

Date of Deposit: December 6th, 2000.

**EL661549225US**


CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below in an envelope addressed to: BOX: MISSING PARTS, Assistant Commissioner for Patents, Washington, DC 20231:

- Declaration, Power of Attorney and Petition (3 pp.)
- An Assignment (6 pp.)
- A copy of the Notice to File Missing Parts of Application - Filing Date Granted
- Transmittal Letter (3 pages)
- Check No. 118802 for \$1,658.00
- Certificate of Express Mailing Label No. EL 661 549 225 US
- Postcard

Dated this 6th day of December, 2000.

Respectfully submitted,

  
Randy Nielson, Assistant to  
David B. Dellenbach  
Attorney for Applicant  
Registration No. 39,166



**022913**

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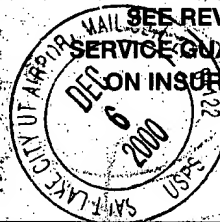
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09/641,600

COMPUTER SYSTEMS AND METHODS FOR INTERACTION WITH EXERCISE DEVICE

## Transaction History

Date	Contents Description
08-05-2004	Workflow - Query Request - Begin
06-15-2004	Workflow - File Sent to Contractor
06-02-2004	Mail Notice of Allowance
06-01-2004	Issue Revision Completed
06-01-2004	Notice of Allowance Data Verification Completed
06-01-2004	Notice of Allowability
05-26-2004	IFW TSS Processing by Tech Center Complete
05-26-2004	Date Forwarded to Examiner
04-29-2004	Response after Non-Final Action
04-29-2004	Reference capture on IDS
04-29-2004	Information Disclosure Statement (IDS) Filed
04-29-2004	Workflow incoming amendment IFW
02-11-2004	Mail Non-Final Rejection
02-09-2004	Non-Final Rejection
11-10-2003	Information Disclosure Statement (IDS) Filed
12-03-2003	Date Forwarded to Examiner
11-10-2003	Response to Election / Restriction Filed
11-10-2003	Request for Extension of Time - Granted
09-23-2003	Mail Restriction Requirement
09-22-2003	Requirement for Restriction / Election
09-05-2003	Substitute Specification Filed
06-17-2003	Information Disclosure Statement (IDS) Filed
02-10-2003	Information Disclosure Statement (IDS) Filed
02-15-2002	Information Disclosure Statement (IDS) Filed
08-27-2001	Information Disclosure Statement (IDS) Filed
06-18-2001	Information Disclosure Statement (IDS) Filed
01-16-2001	Information Disclosure Statement (IDS) Filed
02-02-2001	Case Docketed to Examiner in GAU
01-22-2001	Application Dispatched from OIPE
01-17-2001	Application Is Now Complete
10-06-2000	Notice Mailed--Application Incomplete--Filing Date Assigned
10-05-2000	Correspondence Address Change
09-07-2000	IFW Scan & PACR Auto Security Review
08-18-2000	Initial Exam Team nn

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09/641,600 COMPUTER SYSTEMS AND METHODS FOR INTERACTION WITH EXERCISE DEVICE

## Patent Term Adjustment History

Patent Term Adjustment (PTA) for Application Number: 09/641,600			
			Days
Filing or 371(c) Date:	08-18-2000	USPTO Delay (PTO):	705
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay(APPL):	11
Post-Issue Petitions (days):	+0	Total PTA:	694
USPTO Adjustment(days):	+0	Explanation Of Calculations	
Patent Term Adjustment History			
Date	Contents Description	PTO(Days)	APPL (Days)
06-02-2004	Mail Notice of Allowance		
06-01-2004	Issue Revision Completed		
06-01-2004	Notice of Allowance Data Verification Completed		
06-01-2004	Notice of Allowability		
05-26-2004	IFW TSS Processing by Tech Center Complete		
05-26-2004	Date Forwarded to Examiner		
04-29-2004	Response after Non-Final Action		
04-29-2004	Reference capture on IDS		
04-29-2004	Information Disclosure Statement (IDS) Filed		
04-29-2004	Workflow incoming amendment IFW		
02-11-2004	Mail Non-Final Rejection		
02-09-2004	Non-Final Rejection		
12-03-2003	Date Forwarded to Examiner		
11-10-2003	Information Disclosure Statement (IDS) Filed		
11-10-2003	Response to Election / Restriction Filed		
11-10-2003	Request for Extension of Time - Granted		
09-23-2003	Mail Restriction Requirement	705	
09-22-2003	Requirement for Restriction / Election	↑	
09-05-2003	Substitute Specification Filed	↑	
06-17-2003	Information Disclosure Statement (IDS) Filed	↑	
02-10-2003	Information Disclosure Statement (IDS) Filed	↑	
02-15-2002	Information Disclosure Statement (IDS) Filed	↑	
08-27-2001	Information Disclosure Statement (IDS) Filed	↑	
06-18-2001	Information Disclosure Statement (IDS) Filed	↑	
02-02-2001	Case Docketed to Examiner in GAU	↑	
01-22-2001	Application Dispatched from OIPE	↑	
01-17-2001	Application Is Now Complete	↑	11
01-16-2001	Information Disclosure Statement (IDS) Filed	↑	
10-06-2000	Notice Mailed--Application Incomplete-- Filing Date Assigned	↑	↑
		↑	

10-05-2000	Correspondence Address Change		
09-07-2000	IFW Scan & PACR Auto Security Review	↑	
08-18-2000	Initial Exam Team nn	↑	

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APPLICATION INFORMATION			
Docket Number:	13914.579.2	Analysis Generated:	08/25/2004 10:07:18 AM ET
Application Number:	09/641,600	User Name:	Reed, Shelli
Filing Date:	08/18/2000	Firm/Company Name:	Workman Nydegger
Title/Inventors:	Computer Systems & Methods for Interaction with Exercise Device		Attorney/Agent Comments:

AIPA TERM ANALYSIS SUMMARY	
Earliest Referenced Application under 35 USC § 120, 121, or 365 (c):	07 / 08 / 1999
Filing Date (US National Application):	08 / 18 / 2000
Net Adjustment <b>Credits:</b>	705 Days
Net Adjustment <b>Debits:</b>	0 Days
Net Patent Term Adjustment:	705 Days
AIPA Patent Term End Date:	06 / 12 / 2021 <sup>(1)</sup>
<sup>(1)</sup> Assumes payment of all maintenance fees and no intervening acts. Terminal disclaimer(s) filed in this case, if any, may reduce the term. Without adjustment, the term would end on 07/08/2019.	

# RULE APPLICATION SUMMARY

Event	Rule Invoked	Related Event	Excluded Days	Debit Days	Credit Days
<b>A</b> 08/18/2000 Filing Date under 35 USC 111(a) (US National Application)	<b>14-Month PTO First Action</b>  PTO must mail a notification under 35 USC 132 or a notice of allowance under 35 USC 151 not later than 14 months after the date on which the application was filed under 35 USC 111 (a) or fulfilled the requirements of <u>35 USC 371</u> in an international application. Period of adjustment (credits) begins on the day after the date that is 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of <u>35 USC 371</u> and ending on the date of mailing of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. <u>35 USC 154(b)(1)(A)(i)</u> ; <u>37 CFR 1.702(a)(1)</u> , <u>1.703(a)(1)</u> .	<i>First PTO Action:</i>  09/23/2003 Restriction / Election-of- Species	0	0	705
<b>B</b> 08/18/2000 Filing Date under 35 USC 111(a) (US National Application)	<b>3-Year PTO Issue of Patent</b>  PTO must issue a patent within 3 years (not including exclusions) after the date on which the application was filed under 35 USC 111(a) or the national stage commenced under <u>35 USC 371(b)</u> or (f) in an international application. Period of adjustment (credits) begins on the day after the date that is 3 years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under <u>35 USC 371(b)</u> or (f) in an international application and ending on the date a patent was issued, but not including the sum of the listed exclusionary periods. <u>35 USC 154(b)(1)(B)</u> ; <u>37 CFR 1.702(b)</u> , <u>1.703(b)</u> .  You have elected to analyze this rule under the PTO Exclusion Interpretation, but this election did not affect the number of credit days under this rule.	<i>Issue Date:</i>  12/14/2004 Issue Date	0	0	484
	<b>3-Month Applicant Response to Notice or Action</b>				

C	<p>10/06/2000 Notice to File Missing Parts (nonprovisional application)</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. <u>35 USC 154 (b) (2)(C)(ii); 37 CFR 1.704(b).</u></p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. <u>35 USC 154(b)(3)(C); 37 CFR 1.705(c).</u></p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i></p> <p>12/06/2000 Response to Notice to File Missing Parts</p>	0	0	0
D	<p>09/23/2003 Restriction / Election-of- Species</p> <p><b><u>3-Month Applicant Response to Notice or Action</u></b></p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. <u>35 USC 154 (b) (2)(C)(ii); 37 CFR 1.704(b).</u></p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. <u>35 USC 154(b)(3)(C); 37 CFR 1.705(c).</u></p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i></p> <p>11/10/2003 Response to Election-of- Species / Restriction Filed</p>	0	0	0
	<p><b><u>4-Month PTO Response to Applicant Reply</u></b></p>				

<b>E</b>  11/10/2003 Response to Election-of- Species / Restriction Filed	PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2),(3).	PTO Response:  02/11/2004 Non-final Action	0	0	0
<b>F</b>  02/11/2004 Non-final Action	<p><b><u>3-Month Applicant Response to Notice or Action</u></b></p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b) (2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	Applicant Response:  04/29/2004 Reply after Non-final Action under 37 CFR 1.111	0	0	0
<b>G</b>  04/29/2004 Reply after Non- final Action under 37 CFR 1.111	<p><b><u>4-Month PTO Response to Applicant Reply</u></b></p> <p>PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first.</p>	PTO Response:  06/02/2004 Notice of Allowance under 35 USC 151	0	0	0

		35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2),(3).				
		<b>3-Month Applicant Response to Notice or Action</b>				
H	06/02/2004 Notice of Allowance under 35 USC 151	Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b) (2)(C)(ii); 37 CFR 1.704(b).  Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).  You have indicated that no 1.705(c) Showing of Due Care was made.	Applicant Response:  09/02/2004 Issue Fee Payment under 35 USC 151	0	0	0
I	09/02/2004 Issue Fee Payment under 35 USC 151	<b>4-Month PTO Issue of Patent</b>  PTO must issue a patent not later than 4 months after the date on which the issue fee was paid under 35 USC 151 and all outstanding requirements were satisfied. The period of adjustment (credits) begins on the day after the date that is 4 months after the date the issue fee was paid and all outstanding requirements were satisfied and ends on the day the patent issues. 35 USC 154(b)(1)(A)(iv); 37 CFR 1.702(a)(4), 1.703(a)(6).	Issue Date:  12/14/2004 Issue Date	0	0	0
Total Exclusion, Debit, and Credit Days			0	0	1189	
Overlap Days			0	0	36	
Net Exclusion, Debit, and Credit Days			0	0	705 +	
Net Patent Term Adjustment Days					705	

The term of this patent ends on 06/12/2021<sup>(2)</sup>

<sup>(2)</sup> Assumes payment of all maintenance fees and no intervening acts. Terminal disclaimer(s) filed in this case, if any, may reduce the term. Without adjustment, the term would end on 07/08/2019.

<sup>†</sup> Net credits were limited by 37 CFR § 1.703(f) "Actual Delay" limitation. See calculation below.

37 CFR § 1.703(f) "ACTUAL DELAY" CALCULATION				
	Credit Days During Exclusionary Periods	Credit Days During Non-Exclusionary Periods		
		Three-Year Issue Guarantee	All Other Rules	
Net Credit Days	0	484	705	
Maximum Credit Days under 37 CFR § 1.703(f) "Actual Delay" Limitation				705

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



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Docket Number: 13914-579.2

	Line Item	Date (mm/dd/yyyy)		Event Title
	1	07/08/1999		Earliest Referenced Application under 35 USC 120, 121, or 365(c)
	2	08/18/2000		Filing Date under 35 USC 111(a) (US National Application)
	3	10/06/2000		Notice to File Missing Parts (nonprovisional application) <i>Imported from PAIR on 8/25/2004 10:03:54 AM. Original PAIR entry was Notice Mailed--Application Incomplete--Filing Date Assigned.</i>
	4	12/06/2000		Response to Notice to File Missing Parts Comments: mailed 12/6/00 <i>Imported from PAIR on 8/25/2004 10:03:54 AM. Original PAIR entry was Application Is Now Complete. [ ! ] Where a Notice to File Missing Parts was issued, this PAIR event may correspond to a Response to Notice to File Missing Parts. The date, however, is often incorrect. Please confirm that such a response was filed and update this event to reflect the correct date. If a Notice to File Missing Parts was not issued, you may want to delete this event.</i>
	5	01/16/2001		Information Disclosure Statement <i>Imported from PAIR on 8/25/2004 10:03:54 AM. Original PAIR entry was Information Disclosure Statement (IDS) Filed.</i>
	6	06/18/2001		Information Disclosure Statement <i>Imported from PAIR on 8/25/2004 10:03:54 AM. Original PAIR entry was Information Disclosure Statement (IDS) Filed.</i>
	7	08/27/2001		Information Disclosure Statement <i>Imported from PAIR on 8/25/2004 10:03:54 AM. Original PAIR entry was Information Disclosure Statement (IDS) Filed.</i>
	8	02/15/2002		Information Disclosure Statement <i>Imported from PAIR on 8/25/2004 10:03:54 AM. Original PAIR entry was Information Disclosure Statement (IDS) Filed.</i>
	9	02/10/2003		Information Disclosure Statement <i>Imported from PAIR on 8/25/2004 10:03:54 AM. Original PAIR entry was Information Disclosure Statement (IDS) Filed.</i>
	10	06/17/2003		Information Disclosure Statement <i>Imported from PAIR on 8/25/2004 10:03:54 AM. Original PAIR entry was Information Disclosure Statement (IDS) Filed.</i>

	11	09/05/2003	Substitute Specification Filed <i>Imported from PAIR on 8/25/2004 10:03:54 AM. Original PAIR entry was Substitute Specification Filed.</i>
	12	09/23/2003	Restriction / Election-of-Species <i>Imported from PAIR on 8/25/2004 10:03:54 AM. Original PAIR entry was Requirement for Restriction / Election.</i>
	13	11/10/2003	Response to Election-of-Species / Restriction Filed <i>Imported from PAIR on 8/25/2004 10:03:54 AM. Original PAIR entry was Response to Election / Restriction Filed.</i>
	14	11/10/2003	Information Disclosure Statement <i>Imported from PAIR on 8/25/2004 10:03:54 AM. Original PAIR entry was Information Disclosure Statement (IDS) Filed.</i>
	15	02/11/2004	Non-final Action <i>Imported from PAIR on 8/25/2004 10:03:54 AM. Original PAIR entry was Non-Final Rejection.</i>
	16	04/29/2004	Reply after Non-final Action under 37 CFR 1.111 <i>Imported from PAIR on 8/25/2004 10:03:54 AM. Original PAIR entry was Response after Non-Final Action.</i>
	17	04/29/2004	Information Disclosure Statement <i>Imported from PAIR on 8/25/2004 10:03:54 AM. Original PAIR entry was Information Disclosure Statement (IDS) Filed.</i>
	18	06/02/2004	Notice of Allowance under 35 USC 151 <i>Imported from PAIR on 8/25/2004 10:03:54 AM. Original PAIR entry was Notice of Allowability.</i>
	19	09/02/2004	Issue Fee Payment under 35 USC 151 [ ! ] Estimated event date. When the actual date is known, select this event, update the date (if it changed), and then click Save to remove this warning.
	20	12/14/2004	Issue Date [ ! ] Estimated event date. When the actual date is known, select this event, update the date (if it changed), and then click Save to remove this warning.
			  <b>CLICK to add a new history event</b>